Court No.3

Criminal Revision No.720/2001
(Old No. 1213/1991)

Bhuwan Chand …Revisionist.

Vs.

State of U.P. and another .. Respondents.

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard learned A.G.A. and perused the record.

The revision was preferred seeking indulgence of the court to proceed against respondent No.2 under section 62 of the Indian Forest Act and also under section 250 of the Code of Criminal Procedure.

The revisionist was arraigned as an accused in criminal case No. 237 of 1987 under sections 379/ 411 I.P.C and 26 of Indian Forest Act. The report against him was lodged by circle patwari Mohan Chandra Tiwari respondent No.2. At the trial before the Magistrate relevant witnesses were examined and the learned Magistrate was, as is evident from the judgment dated 11.6.1991, of the view that the evidence of the prosecution is not reliable and sufficient to bring home guilt to the accused-revisionist and he was therefore acquitted of the charges. The contention of the revisionist was that since the criminal proceedings were vexatiously instituted without any sufficient reason and his property was unnecessarily seized at the instance of the complainant, the said complainant need to be punished under section 62 of the Indian Forest Act as well as under section 250 of the Criminal Procedure Code. Perusal of the impugned judgment reveal that the learned Magistrate has not inferred that the proceedings were vexatiously initiated or there was an element of unfair play in seizing the property of the accused-revisionist and therefore the contention of the accused-revisionist has no substance and merit and the revision deserve to be dismissed as such.

The revision is dismissed.

(Irshad Hussain, J.)

Dated: 27-9-2003

ISB